

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
SEPTEMBER 13, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

Absent:

Caroline Murphy, Mayor

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney (arrived at 6:10 p.m.)
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Amy Kelley, Systems Administrator
Giancarlo Patino, Engineer Associate
Stephen Myrick, Building Official

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Pro Tem McCool at 6:00 p.m. on Tuesday, September 13, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Mayor Pro Tem McCool wished Council Member Murphy a Happy Birthday.

Council Member Dorsett recognized the Police Department for their quick response to the fire in Falconhead.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on August 23, 2011.
- B. Proclamation recognizing National Night Out on October 4, 2011.
- C. Consider action on a request from Papa Noel Christmas Trees for a temporary special event permit to have a Christmas tree sales lot located at 3470 R.R. 620 South.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the Consent agenda as presented.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 96, approving a Conditional Use Permit application to allow used merchandise sales; furniture and antiques at Revival, located at 13308 W. Highway 71.

Mayor Pro Tem McCool called the public hearing to order at 6:03 p.m.

There being no person wishing to speak, the public hearing closed at 6:03 p.m.

City Administrator Frank Salvato presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve Ordinance No. 96, approving the Conditional Use Permit for Revival.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
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Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a sign variance for Revival Furniture located at 13308 W. Highway 71.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the sign variance for Revival Furniture located at 13308 W. Highway 71.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

The City Attorney arrived at 6:10 p.m.

Discuss and consider action on Change Order No. 1 with Ranger Excavating for relocation of sprinkler heads in the Target re-irrigation zone.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve Change Order No. 1 with Ranger Excavating in the amount of \$2,585.00

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action regarding the proposed development agreement and concept plan with Masonwood 71, LTD of a portion of the Grumbles tract on Highway 71 West located in the City Limits and Extraterritorial Jurisdiction including Resolution No. 2011-05 creating a Municipal Utility District.

Bill McLean with Masonwood 71, Ltd presented this item. Jim Meredith with Meredith Holdings, Ltd, was also present to answer questions.

Mr. McLean reviewed the proposed development agreement and the changes since the initial concept presentation to Council. They have modified the plan from all 50-foot lots to 60, 70 and 80-foot lots. The development still includes multi-family housing units. The new car dealership has been eliminated and Neighborhood Service type uses are proposed along Hwy. 71. They plan to construct a portion of Vail Divide to access their residential development and provide an additional access point to Hwy. 71. The design of the development will meet the City's NPS ordinance at 40% impervious cover with 95% removal of pollutants. He also agreed to abide by the following City ordinances - lighting, noise, all building codes and fees, sexually oriented businesses, and exterior design standards.

Mr. McLean stated that they need to extend an LCRA wastewater line to the property. He requested the City adopt a resolution consenting to the creation of the MUD within the City of Bee Cave's ETJ. The MUD would issue the bonds to construct the wastewater line along with the improvements within the subdivision.

Members of the City Council questioned the density of the project in both the single-family and the multi-family sections. They also discussed the request for a 15-foot rear yard setback.

Mr. Salvato stated that the Comprehensive Plan recommends a density for multi-family housing at 10-units per acre. This development has 21.6 acres set aside for multi-family and is proposing approximately 17 units per acre.

Mr. McLean stated that they would agree to 300 units approximately 14 units per 1 acre.

Mayor Pro Tem McCool recognized citizens who wished to speak on this item.

Frances Killebrew commented that she thought the project was too dense.

Duncan McGhee stated that crime would increase in the area with this type of development.

Jim Norman, 5107 Great Divide, commented that the project was too dense but that he was pleased that the developer was willing to work with the City.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the City Attorney's red-lined development agreement from Masonwood 71 Ltd. as amended with the architectural and building material restrictions and the reduction in the number of multi-family units and including approval of Exhibit

G which is Resolution No. 2011-05 consenting to the creation of the Travis County Municipal Utility District No. 18 within the City's Extraterritorial Jurisdiction.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett and Murphy
Voting Nay: Council Member Bockius and Goodwin
Absent: None

The motion carried 3-2

Discuss and consider action on Ordinance No. 97 consenting to the annexation of property located in the City's Extraterritorial Jurisdiction by West Travis County Municipal Utility District No. 6.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve Ordinance No. 97, consenting to the annexation.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the revocation of the Special Event Permit for the Backyard at Bee Cave including update of construction status.

Tim O'Connor of the Backyard at Bee Cave spoke during this item.

The City Council concurred that the City Administrator has the authority to revoke the special event permit should there be health and safety concerns at the Backyard.

No action was taken at this time.

Continue Public Hearing from August 9, 2011 and consider action on Ordinance No. 89, an ordinance creating the West Travis County Public Utility Agency.

Mayor Pro Tem McCool reopened the public hearing for comments at 7:45 p.m.

Robert Sago, a resident of Lake Pointe, encouraged the Council to continue supporting the creation of the Public Utility Agency.

The public hearing closed at 7:50 p.m.

This item was continued to after Executive Session.

Discuss and consider action regarding an update from Gallagher Construction of cost estimates for City Hall Remodel and Reconstruction including Downing summary of repairs.

Jerry Gallagher of Gallagher Construction reviewed the city hall modifications and cost estimates.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to authorize Downing Ferguson Peebles to move forward with the preparation of the construction documents based on the cost estimates as modified and presented.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider approving the purchase of additional shelving from the current FY 2010-2011 budget for the Bee Cave Library.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the purchase of the additional shelving for the library.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session

The City Council closed the Open Session at 8:05 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Pro Tem McCool publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation
- B. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.
- C. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises dba Planet K.
- D. Consultation with Attorney regarding the authority of the Public Utility Agency to acquire the LCRA water/wastewater systems and the City of Bee Cave to participate in the Public Utility Agency.

The City Council closed the Executive Session at 9:09 p.m. and reconvened in Regular Session in the Council Chambers.

Council Member Dorsett left the meeting at 9:00 p.m.

Reopen public hearing and consider action on Ordinance No. 89, an ordinance creating the West Travis County Public Utility Agency.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 89 creating the Public Utility Agency with Hays County and the West Travis County Municipal Utility District No. 5, setting the registered office as the Bee Cave City Hall, 4000 Galleria Parkway, with the fiscal year as October 1, 2011 and ending September 30, 2012 and appointing Michael L. Murphy to serve as a Director to the West Travis County Utility Agency.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

Discuss and consider action on the renewal of an Interlocal Agreement for Public Health Services between the City of Austin and City of Bee Cave.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the renewal of the Interlocal Agreement.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on an Interlocal Agreement between the City of Lakeway and the City of Bee Cave for dispatching services.

Police Chief Russell Pancoast presented this item.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the Interlocal Agreement for dispatching services for an amount not to exceed \$205,060.00.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 98, an ordinance of the City of Bee Cave adopting an Annual Budget for Fiscal Year 2011-2012.

Mayor Pro Tem McCool called the public hearing to order at 9:18 p.m.

There being no person wishing to speak, the public hearing closed at 9:18 p.m.

Deputy City Administrator Travis Askey presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve Ordinance No. 98 adopting an annual budget for fiscal year 2011-2012.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 99, an ordinance of the City of Bee Cave approving the Certified Appraisal Roll for the City and adopting an Ad Valorem Tax Rate for Debt Service for the Fiscal Year 2011-2012.

Mayor Pro Tem McCool called the public hearing to order at 9:25 p.m.

There being no person wishing to speak, the public hearing closed at 9:25 p.m.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to move that the property tax rate be increased by the adoption of a tax rate of \$.02 per \$100 valuation, which is effectively a .0003% increase in the tax rate and adopt Ordinance No. 99 approving the Certified Roll and setting the ad valorem tax rate at \$.02/\$100 valuation.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and
Goodwin
Voting Nay: Council Member Murphy
Absent: Council Member Dorsett

The motion carried 3-1.

Discuss and consider action on Ordinance No. 100, an ordinance adopting a budget for FY 2011-2012 for the Economic Development Corporation.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member McCool, to approve Ordinance No. 100 adopting a budget for the Economic Development Corporation for FY 2011-2012.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on voting for a member to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Bockius, to cast a vote for Vic Barnett to service on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Goodwin
and Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

The City Council adjourned the Regular Session at 9:33 p.m.

PASSED AND APPROVED this 27th day of September, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary
[SEAL]